

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

MAY 18, 2006

The Marlboro Township Council held its regularly scheduled meeting on May 18, 2006 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Morelli opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 3, 2006; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Cantor, Councilman Pernice, Councilman Rosenthal, Councilwoman Tragni and Council President Morelli.

Also present were: Mayor Robert Kleinberg (8:45PM), Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

The following Res. #2006-215 (Opposing Senate Bill 969) was introduced by reference, offered by Councilman Pernice, seconded by Council President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-215

RESOLUTION OPPOSING SENATE BILL NO. 969

WHEREAS, the Mayor and Township Council of the Township of Marlboro have become aware of Senate Bill No. 969, which was favorably reported

out of the Senate Environmental Committee on or about February 9, 2006; and

WHEREAS, the aforementioned proposed legislation would impose new Water Taxes, in the form of water consumption user fees and water diversion user fees, at the rate of four (\$0.04) cents per thousand (1,000) gallons, for all water delivered to a consumer and/or otherwise diverted for consumptive use; and

WHEREAS, the aforementioned new Water Taxes are being proposed at a time when New Jersey residents are already over-laden with heavy and pervasive tax burdens, as well as ever increasing expenses that often translate into higher utility costs; and

WHEREAS, the new Water Taxes are also being proposed at a time when the Governor and public officials have announced their intention to levy and impose additional tax increases, including even higher sales taxes, in order to close State budget deficits; and

WHEREAS, experience has taught us that supposedly nominal taxes, like the proposed new Water Taxes, do not remain nominal for long and/or become re-appropriated for unintended purposes and the provisions of Senate Bill No. 969 would merely add to the ever increasing pattern of indirect taxation that is spiraling out of control in the State of New Jersey; and

WHEREAS, the provisions of Senate Bill No. 969 would make purveyors the Legislature's tax collector for these new Water Taxes and establish utility companies as an insulating buffer between the tax-paying residents and those legislators who are planning to impose those taxes; and

WHEREAS, New Jersey residents will simply be unable to afford these ever-increasing tax levies;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Marlboro that, by the adoption of this Resolution, they hereby announce and evince their unanimous and profound opposition to the proposed new Water Taxes that would be authorized by the provisions of Senate Bill No. 969; and

BE IT FURTHER RESOLVED that, by the passage of this Resolution, the Mayor and Township Council of the Township of Marlboro call upon all legislators and especially those serving the Township of Marlboro and the County of Monmouth to not only vote against the adoption of Senate Bill No. 969, as well as any companion bills that may be pending or introduced in the State Assembly, but to vigorously and aggressively oppose the enactment of any such or similar legislation; and

BE IT FUTHER RESOLVED that a certified true copy of the within Resolution be forwarded to the Marlboro Township Municipal Utilities Authority, the Monmouth County Board of Freeholders, Senator Ellen D. Karcher, Assemblyman Michael J. Panter, Assemblywoman Jennifer Beck, Senator Joseph A. Palaia, Assemblyman Steven J. Corodemus and Assemblyman Sean T. Kean.

There was no Administrative Report.

Council President Morelli moved that the minutes of April 6, 2006 be approved. This motion was seconded by Councilman Pernice and the minutes were passed on a roll call vote of 4 - 0, with Council Vice President Cantor abstaining. Council President Morelli moved that the minutes of April 20, 2006 be approved. This motion was seconded by Councilman Pernice and the minutes were passed on a roll call vote of 5 - 0 in favor.

Council President Morelli opened the Public Hearing on Ordinance # 2006-14 (Exceed Municipal Budget Appropriation Limits). As there was no one else who wished to speak, the Public Hearing was closed. The following Resolution # 2006-191/Ord. # 2006-14 (Exceed Municipal Budget Appropriation Limits) was introduced by reference, offered by Council Vice President Cantor, and seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-191

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-14

CALENDAR YEAR 2006 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

which was introduced on May 4, 2006, public hearing held May 18th be adopted on second and final reading this 18th day of May, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Councilman Pernice recused himself and left the room. Council President Morelli opened the Public Hearing on Ordinance # 2006-15 (Amend Chapter 84 - Rezoning Certain Lot LC Land Conservation District). After the public hearing was held and closed, Council President Morelli motioned to table Resolution # 2006-192/Ord. # 2006-15 (Amend Chapter 84 - Rezoning Certain Lot LC Land Conservation District) to the June 1st agenda. This was seconded by Council Vice President Rosenthal and passed on a roll call vote of 4 - 0 in favor of tabling (Absent: Pernice).

There was a five-minute recess.

The following Res. #2006-193/Ord. #2006-16 (Growth Share Ordinance) was introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-193

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-16

AN ORDINANCE AMENDING CHAPTER 5, AFFORDABLE HOUSING, OF THE CODE OF THE TOWNSHIP OF MARLBORO TO FACILITATE THE PROVISION OF AFFORDABLE HOUSING IN THE THIRD HOUSING CYCLE IN CONNECTION WITH RESIDENTIAL AND NON-RESIDENTIAL GROWTH AND DEVELOPMENT

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 1, 2006 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provision of affordable housing; and

WHEREAS, the New Jersey Council on Affordable Housing ("COAH") is the State administrative agency created pursuant to the FHA vested with primary jurisdiction for the administration of affordable housing obligations in accordance with sound regional planning considerations in New Jersey; and

WHEREAS, COAH's Third Round Substantive Rules (NJ.A.C. 5:94-1, et seq.) implement a "growth share" approach to affordable housing production which requires affordable housing to be produced in conjunction with market-rate residential and nonresidential growth and development within the Marlboro; and

WHEREAS, Marlboro Township desires to implement the "growth share" policies promulgated by COAH in its Third Round Substantive Rules in an effort to foster the production of affordable housing opportunities for qualified low and moderate income households through COAH's third round, which extends from 1999 to 2014.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Council of the Township of Marlboro, County of Monmouth, and State of New Jersey that a new article is hereby added to Chapter 5, Affordable Housing, of the Code of the Township of Marlboro entitled Article IV "Provision of Affordable Housing pursuant to the Council on Affordable Housing's Third Round "Growth Share" Regulations" to read in its entirety as follows:

"§ 5-34 Quantification of Affordable Housing Obligation for Residential Developers

Except as otherwise provided in this Article, in those circumstances where an applicant seeks to develop land for residential purposes in all zones and receives no right to increased density or other compensatory bonus, said applicant shall produce and develop on site one residential unit of housing affordable to low and moderate income households for every eight market rate residential units constructed (11.11 percent). In the event 11.11 percent of the total units should result in a fraction equaling one half percent or greater, the affordable housing obligation shall be rounded to the next higher number. Affordable housing shall be as defined under the FHA and COAH's regulations. Applicants seeking to develop projects comprised of less than eight residential units are not subject to this Article IV. However, proposed projects that contain less than eight residential units must comply with the Township's Mount Laurel development fee ordinance in its current form or any future form.

§ 5-35 Permissible Manner of Satisfaction of Affordable Housing Obligation of Residential Developers

A. For residential developments of eight or more residential units, an applicant shall satisfy its affordable housing production obligation through on-site housing production in connection with the residential project, which is one of the mechanisms permitted pursuant to COAH's regulations.

B. The other alternative mechanisms permitted under COAH's regulations include (1) the purchase of an existing market-rate home at another location in the community and its conversion to an affordable price-restricted home in accordance with COAH's criteria, regulations and policies, and/or (2) contributing to the Housing Trust Fund at a rate of 1% of the equalized assessed value of the new construction of residential development and/or providing a payment in lieu of affordable housing unit construction at a rate of at least \$200,000 per affordable housing unit which the Township may negotiate with the non-residential developer pursuant to COAH regulations whichever amount is greater. An applicant shall only be entitled to satisfy its affordable housing obligation via one or more of the alternative mechanisms set forth above if the applicant demonstrates to the Planning or Zoning Board that the requirement to construct one affordable residential unit for every eight market rate residential units on site constitutes a taking of the applicant's property without just compensation pursuant to applicable legal standards.

C. Before the applicant's development application for final site plan or subdivision approval is deemed complete consistent with the Municipal Land Use Law and the Marlboro Township Zoning Ordinances, the applicant must secure written permission from the Marlboro Township Planning or Zoning Board as to the exact manner in which alternative mechanism(s) will be used to achieve the creation of one affordable residential unit for every eight market rate residential units.

D. Full and complete satisfaction of compliance with the affordable housing requirements of the development shall be a specific, automatic, essential and non-severable condition of all land use approvals. Pursuant to this condition, the applicant must demonstrate that it has satisfied the Planning or Zoning Board's affordable housing condition of approval prior to obtaining the first building permit and compliance with the affordable housing condition shall be a continuing condition of all Planning or Zoning Board approvals for development.

§ 5-36 Quantification of Affordable Housing Obligation for Non-Residential Developers

Except as otherwise provided in this Article, in those circumstances where an applicant seeks to develop land for non-residential purposes, the developer shall provide one non-age-restricted affordable residential unit for every twenty-five (25) jobs projected to be created by its development. The calculation of the number of jobs and employment opportunities shall be in accordance with Appendix E to N.J.A.C. 5:94-1, et seq. entitled "UCC Use Groups for Projecting and Implementing Nonresidential Components of Growth Share."

§ 5-37 Permissible Manner of Satisfaction of Affordable Housing Obligation of Non-Residential Developers

A. For all Nonresidential Development, the applicant may satisfy its affordable housing production obligation through the various mechanisms COAH regulations authorize including, (1) on-site housing production in connection with a residential component of the project, (2) the purchase of an existing market-rate home at another location in the community and its conversion to an affordable price-restricted home in accordance with COAH's criteria, regulations and policies, (3) providing a payment in lieu of affordable housing unit construction at a rate of at least \$200,000.00 per affordable housing unit and/or (4) contributing to the Housing Trust Fund at a rate of 2% of equalized assessed value of the new construction for non-residential development, which the Township may negotiate with the non-residential developer pursuant to COAH regulations, whichever amount is greater.

B. The applicant shall present its planned method of compliance to the Planning or Zoning Board at the time of application filing and the Board shall, in its sole discretion, advise the applicant whether the proposed method of compliance is acceptable, or whether an alternative technique or combination of techniques permitted by COAH regulations would be acceptable.

C. Full and complete satisfaction of compliance with the affordable housing requirements of the development shall be a specific, automatic, essential, and non-severable condition of all approvals. Pursuant to this condition, the applicant must demonstrate that it has satisfied the Planning or Zoning Board's affordable housing condition of approval prior to obtaining the first building permit and compliance with the affordable housing condition shall be a continuing condition of all approvals for development.

§ 5-38 Permissible Manner of Satisfaction of Affordable Housing Obligation of Mixed-Use Developers

For all projects which include a combination of both residential and non-residential development, the affordable housing obligation created by the residential portion of the project is set forth in Section 5-34. The permissible manner of satisfaction of the affordable housing obligation for the residential component is set forth in Section 5-35. The affordable housing obligation created by the non-residential portion of the project is set forth in Section 5-36. The permissible manner of satisfaction of the affordable housing obligation for the non-residential component is set forth in Section 5-37.

§ 5-39 Compliance with COAH's Rules

The affordable unit(s) to be produced pursuant any of the above Sections included in this Article IV shall be available to a low income household or individual should only one affordable unit be required. Thereafter, each of the affordable units shall be divided evenly between low and moderate income individuals and households except in the event of the applicable formulas result in an odd number of affordable units; in which event the unit shall be a low income residential unit. All affordable units shall strictly comply with COAH's regulations and policies including, but not limited to, pricing, phasing, bedroom distribution, controls on affordability, range of affordability, affirmative marketing, and income qualification. It shall be the applicant's responsibility, at its sole cost and expense, to arrange for a COAH and Township approved qualification service to ensure full COAH compliance and to file such certifications, reports and/or monitoring forms as may be required by COAH or the Court to verify COAH compliance of each affordable unit.

§ 5-40 Exemptions

A. Construction costs of \$20,000 or less for residential development only.

(1) Residential building permits which involve construction costs of \$20,000 or less shall be exempt from paying development fees; provided, however, if a residential property owner applies for two or more building permits within a five-year period, the combined cost of which exceeds \$20,000, then the property owner shall pay a development fee calculated by using the combined construction costs. For third and subsequent applications within five years, the development fee due would be based upon the combined construction

cost less the development fee already paid.

(2) As an example, if in Year 1 a homeowner constructs a residential addition, the cost of which is \$20,000 (which is exempt from the payment of a fee), and in Year 3 the same homeowner seeks to construct another addition, the cost of which is \$15,000, the homeowner, prior to obtaining a building permit in Year 3, would have to pay a development fee based upon the combined cost. In this case, the fee would be based on a cost of \$35,000. If the same property owner constructed another addition in Year 4, the cost of which was \$10,000, the development fee due in Year 4 would be based on the combined construction cost of \$45,000 less the development fee already paid.

B. Nonprofit organizations which have received tax exempt status pursuant to Section 501 (c) (3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges.

C. Federal, state, county and local governments.

D. Public utilities under the jurisdiction of the New Jersey Board of Public Utilities to the extent that the construction for which approval is sought is of a facility which shall house equipment only and not to be occupied by any employees.

§ 5-41 Right to Greater Set-Aside if Compensatory Benefit
As to residential developers, nothing herein shall affect the Township's ability to generate more affordable housing than the one for eight standard set forth above in the event that the developer secures a density bonus or other compensatory benefit through zoning or through a use variance. As to nonresidential developers, nothing herein shall affect the Township's ability to generate more affordable housing than the one affordable residential unit for every 25 jobs standard set forth above in the event that the developer secures an increased FAR or other compensatory benefit through zoning or through a use variance."

BE IT FURTHER ORDAINED, that if any paragraph, section, subsection, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining paragraphs or sections

hereof; and

BE IT FURTHER ORDAINED, that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication according to law and filing with the County Planning Board in accordance with N.J.S.A. 40:55D-16.

The following Res. #2006-194/Ord. #2006-17 (Amend Chapter 5 - Affordable Housing - Developer Fees) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-194

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

AN ORDINANCE AMENDING CHAPTER 5 "AFFORDABLE HOUSING",
ARTICLE III "DEVELOPMENT FEES" OF THE CODE OF THE
TOWNSHIP OF MARLBORO TO PROVIDE FOR THE COLLECTION OF
DEVELOPMENT FEES IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN
ELEMENT AND FAIR SHAREPLAN OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 1, 2006 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2006-17

AN ORDINANCE AMENDING CHAPTER 5 "AFFORDABLE HOUSING",
ARTICLE III "DEVELOPMENT FEES" OF THE CODE OF THE
TOWNSHIP OF MARLBORO TO PROVIDE FOR THE COLLECTION OF
DEVELOPMENT FEES IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN
ELEMENT AND FAIR SHAREPLAN OF THE TOWNSHIP OF MARLBORO

WHEREAS, the Township Council of the Township of Marlboro desires to update Chapter 5 "Affordable Housing", Article III "Development Fees" to provide for the collection of development fees in accordance with the adopted Housing Plan Element and Fair Share Plan of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that, throughout Section 5-28 "Residential development fees", the phrase "a development fee of ½ of 1% of equalized assessed value" shall be changed to "a development fee of 1% of the equalized assessed value"; and

BE IT FURTHER ORDAINED, that Section 5-28.1 "Nonresidential development fees" shall be revised to replace "in the amount of 1% of the equalized assessed value of the property" as used in the first sentence of that Section with "in the amount of 2% of the equalized assessed value of the property" and to replace "the development fee of 1% referenced above" as used in the second sentence of that Section with "the development fee of 2% referenced above"; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Council President Morelli motioned to table Res. #2006-195 (Authorizing Agreement - Bluh & Batelli) to a future meeting. This was seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor of tabling.

Council President Morelli motioned to table Res. #2006-196 (Bond Reduction Rosemont Section 3 & 4) was tabled to a future meeting. This was seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

The following Res. #2006-197 (Bond Release R.H. Ern & Sons Site Plan) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 3 - 2 in favor with Council Vice President Cantor and Councilman Rosenthal voting no.

RESOLUTION # 2006-197

A RESOLUTION AUTHORIZING THE RELEASE OF THE CASH BOND FOR
THE R.H. ERN AND SONS SITE PLAN

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by R.H. Ern and Sons for the release of the Cash Bond being held by the Township for the project known as the R.H. Ern and Sons site plan, Block 215, Lots 1; Railroad Avenue; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated March 6, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Cash Bond being held by the Township conditioned upon the payment of all fees required by the Developer's Agreement; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Cash Bond posted for the project known as the R.H. Ern and Sons site plan, Block 215, Lots 1; Railroad Avenue is released in its entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Cash Bond shall be conditioned upon the payment of all fees required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. R.H. Ern and Sons
- b. Township Engineer
- c. Chief Financial Officer

d. Gluck Walrath LLP

The following Res. #2006-198 (Authorizing Professional Services Contract - Birdsall - Culvert Improvements - Vanderburg Soccer Complex and Multipurpose Field/Soccer Complex) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-198

A RESOLUTION AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICES CONTRACTS BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR VARIOUS ENGINEERING SERVICES

WHEREAS, the Township of Marlboro is in need of professional engineering services for certain projects; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Birdsall Engineering, Inc. has submitted the following proposals (the "Proposals") to the Township of Marlboro to provide the aforementioned professional engineering services:

- 1) Culvert Extension and Path Design for the Vanderburg Soccer Complex for an amount not to exceed \$4,100.00;
- 2) Engineering Services Relative to the Design of a Multipurpose Field at the Marlboro Soccer Complex for an amount not to exceed \$53,000.00;

WHEREAS, the Chief Financial Officer has certified in writing that certain of these proposals will exceed \$17,500; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Birdsall Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Birdsall Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering,

Inc. to provide the required professional services in accordance with the Proposals; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute contracts, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contracts, which is attached hereto, and that sufficient funds are available for said contacts from the following account numbers:

- 1) Culvert Extension - T-16-58-856-806
- 2) Design Services - Field - 6-01-324-201

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc., Eatontown, NJ
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. #2006-199 (Authorizing Professional Services Contract - Stuart Appraisal - Block 120, Lot 36) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-199

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL
SERVICES CONTRACT BETWEEN STUART APPRAISAL COMPANY INC.
AND THE TOWNSHIP OF MARLBORO FOR APPRAISAL SERVICES FOR
BLOCK 120, LOT 36 IN CONNECTION WITH POTENTIAL
OPEN SPACE LAND ACQUISITION

WHEREAS, the Township of Marlboro is in need of professional appraisal services for Block 120, Lot 23 in connection with potential Open Space land acquisition; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Stuart Appraisal Company Inc. has submitted the attached proposal dated May 15, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$2,800.00; and

WHEREAS, Stuart Appraisal Company Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Stuart Appraisal Company Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Stuart Appraisal Company Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Stuart Appraisal Company Inc. to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Stuart Appraisal Company Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact from Trust Account Number T-15-56-859-815.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Stuart Appraisal Company Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. #2006-200 (Authorizing Professional Services Contract - Buchalski - Block 120, Lot 36) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-200

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BUCHALSKI, REYNOLDS & BRODOWSKI AND THE TOWNSHIP OF MARLBORO FOR APPRAISAL SERVICES FOR BLOCK 120, LOT 36 IN CONNECTION WITH POTENTIAL OPEN SPACE LAND ACQUISITION

WHEREAS, the Township of Marlboro is in need of professional appraisal services for Block 120, Lot 23 in connection with potential Open Space land acquisition; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Buchalski, Reynolds & Brodowski has submitted the attached proposal dated May 15, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$2,500.00; and

WHEREAS, Buchalski, Reynolds & Brodowski has completed and submitted a Business Entity Disclosure Certification which certifies that Buchalski, Reynolds & Brodowski has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Buchalski, Reynolds & Brodowski from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Buchalski, Reynolds & Brodowski to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Buchalski, Reynolds & Brodowski and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact from Trust Account Number T-15-56-859-815.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Buchalski, Reynolds & Brodowski
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. #2006-201 (Authorizing Professional Services Contract - Civil Solutions - Update of Tax Maps) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-201

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN CIVIL SOLUTIONS AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF THE ANNUAL UPDATE OF THE MARLBORO TOWNSHIP TAX MAPS

WHEREAS, the Township of Marlboro is in need of professional services in connection with the provision of the annual update of the Marlboro Township Tax Maps; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Civil Solutions has submitted the attached proposal dated May 4, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$20,000.00; and

WHEREAS, the Chief Financial Officer has certified in writing that the value of this proposal will exceed \$17,500.00; and

WHEREAS, Civil Solutions has completed and submitted a Business Entity Disclosure Certification which certifies that Civil Solutions has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Civil Solutions from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Civil Solutions to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising

for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Civil Solutions and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 6-01-045-228.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Civil Solutions
- b. Township Tax Assessor
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. #2006-202 (Authorizing Professional Services Contract - Curt Ciumei - Cable Television) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-202

A RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND CURT CIUMEI FOR THE PROVISION OF EXECUTIVE PRODUCER AND DIRECTOR SERVICES FOR THE TOWNSHIP OF MARLBORO CABLE STATION

WHEREAS, by Resolution #2005-157, dated April 7, 2005, the Township of Marlboro awarded a one-year contract to Curt Ciumei, 55 Stevenson Drive, Marlboro, NJ 07746 to provide executive producer and director services for the Marlboro Cable Station, as set forth in the proposal on file with the Township; and

WHEREAS, pursuant to the authorization provided by Resolution #2005-157, the parties entered into a contract for the provision of executive producer and director services dated April 7, 2005 (the "Contract"), which is attached hereto and made a part hereof; and

WHEREAS, in accordance with the bid specifications and the terms and conditions of the Contract, the Township of Marlboro reserved the exclusive option to renew any components of the Contract for an additional one-year period on the same terms and conditions specified in the proposal submitted by Curt Ciumei; and

WHEREAS, the Administration Department has recommended that the Township Council approve the renewal of the Contract for a period of one year upon the same terms and conditions specified in the proposal submitted by Curt Ciumei; and

WHEREAS, funds are available in the Budget Account Number 6-01-055-286 for an amount not to exceed \$15,000 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council has determined that it is in the best interest of the residents of the Township of Marlboro to approve said renewal of the Contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to renew the Contract between the Township of Marlboro and Curt Ciumei, 55 Stevenson Drive, Marlboro, NJ 07746 for a period of one year upon the same terms and conditions specified in the proposal submitted by Curt Ciumei and authorized by Resolution #2005-157; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Curt Ciumei
- b. Township Administrator
- c. Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. #2006-203 (Award of Bid - Culvert Improvements Vanderburg Soccer Complex - Lucas Brothers, Inc.) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-203

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO LUCAS BROTHERS INC. TO CONSTRUCT CULVERT IMPROVEMENTS AT THE VANDERBURG SOCCER COMPLEX IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro authorized and received bids to construct culvert improvements at the Vanderburg Soccer Complex; and

WHEREAS, five (5) bids were received by the following vendors in the following amounts:

- A. Lucas Brothers, Inc.
80 Amboy Road, Morganville, NJ
\$59,580.00
- B. Earle Asphalt Company
PO DRAWER 556, Farmingdale, NJ
\$106,513.13
- C. Montana Construction Corp, Inc.
80 Contant Avenue, Lodi, NJ
\$117,151.50
- D. Kalogridis Contracting LLC
25 Bartha Ave, Edison, NJ
\$122,575.00
- E. A. Montone Construction, Inc.
88 Stillwell Road, Holmdel, NJ
\$122,680.53

WHEREAS, the Administration and the Township Attorney have reviewed the bids received and recommend that the contract be awarded to Lucas Brothers, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, Lucas Brothers, Inc., for the provision of the aforesaid services and products.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract to construct culvert improvements at the Vanderburg Soccer Complex be and hereby is awarded to Lucas Brothers, Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Lucas Brothers Inc. for the construction of culvert improvement at the Vanderburg Soccer Complex in an amount not to exceed \$59,580.00, and in accordance

with the bid proposal submitted by Lucas Brothers, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number T-16-58-856-806; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Lucas Brothers, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. #2006-204 (Supporting Amendment to Binding Arbitration Statute) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-204

A RESOLUTION AUTHORIZING AN AMENDMENT TO
BINDING ARBITRATION STATUTE

WHEREAS, The Police and Fire Interest Arbitration Act of 1995 provided for interest arbitration to be the final step in the collective bargaining process for Police and Fire; and

WHEREAS, This Act;

- a) requires the arbitrator to determine the "net economic change" to be awarded, thereby encouraging arbitrators to select compromises from the final positions of the employers and unions for numerous economic issues,
- b) amends criteria to be used by the arbitrators to include two references to the State CAP Law, and
- c) expands criteria concerning the impact of the arbitrators award on the ability of the governing body to maintain or expand existing programs or initiate new ones, and

WHEREAS, The Binding Arbitration Process is intended to support local government by arriving at award decisions equitable to all

involved parties, including Police and Fire, Municipal Officials, taxpayers, and other municipal employees; and

WHEREAS, Despite the economic constraints suggested in the guidelines noted above, for the ten year period from January 1996 through December 2005, arbitration awards exceeded both the CAP Law limitation and the Consumer Price Index (CPI) by 50%; and

WHEREAS, Excessive Binding Arbitration awards are clearly a major factor causing the rapidly increasing municipal property taxes throughout New Jersey; and

WHEREAS, The high salaries now paid to Police are causing municipalities to curtail other desired services and to give lower salary increases to other employees to off-set Police salary increases; and

WHEREAS, The New Jersey State League of Municipalities has proposed that the State Legislature amend the Interest Arbitration Law to limit awards to the amount of the CAP limitation.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of Marlboro Township support the N.J.L.M.'s position on this matter and requests the New Jersey State Legislature to amend the Police and Fire Interest Arbitration Act to limit binding arbitration awards for all economic issues combined to an amount on a department basis that does not exceed the annual CAP Law limitation.

BE IT FURTHER RESOLVED, that municipalities throughout the State are requested to pass a similar resolution and to forward it to our legislators.

The following Res. #2006-205 (Authorizing Agreement Monmouth County - Fixed Route Public Bus Transportation) was introduced by reference, offered by Councilman Rosenthal, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-205

AUTHORIZING AN AGREEMENT WITH THE COUNTY OF MONMOUTH, PURSUANT TO N.J.S.A. 40: 8A-1 ET SEQ., THE INTERLOCAL SERVICES ACT, FOR FIXED ROUTE PUBLIC BUS TRANSPORTATION THROUGH JUNE 30, 2006

WHEREAS, the Board of Chosen Freeholders of the County of Monmouth (hereinafter, "the County") has established fixed route

public bus transportation through June 30, 2007 within the Township of Marlboro; and

WHEREAS, the Township of Marlboro wishes to enter into an agreement with the County for the provision of said transportation services to residents of Marlboro Township;

WHEREAS, the Interlocal Services Act, N.J.S.A. 40: 8A-1 et seq. authorizes local units as defined in said Act to enter into joint agreements for the provision of governmental services, including such services; and

WHEREAS, the proposed contract for the provision of said services is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40: 8A-4;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the proposed interlocal services agreement for the provision of the aforementioned services.

BE IT FURTHER RESOLVED that a duly certified copy of this resolution be forwarded to all respective parties.

The following Res. #2006-206 (Reject & Rebid - Food Concession Swim Club) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-206

BE IT RESOLVED by the Township Council of the Township of Marlboro that all bids heretofore received to Operate the Food Concession at the Marlboro Swim Club are hereby rejected and the Business Administrator is authorized and directed to return the bid bond or other security to the appropriate bidder; and

BE IT FURTHER RESOLVED that the Business Administrator's May 18, 2006 advertisement for open, competitive bids to Operate the Food Concession at the Marlboro Swim Club be and hereby is ratified by the Township Council; and

BE IT FURTHER RESOLVED that the Business Administrator be and hereby is authorized to award a contract to Operate the Food Concession at the Marlboro Swim Club to the lowest qualified bidder,

subject to ratification by the Township Council at its June 15, 2006 public meeting.

As the Consent Agenda, the following Resolutions were introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor: Res. # 2006-207 (Authorization to Bid - Swim Umbrellas & Pavilion), Res. #2006-208 (Redemption Tax Sale Certs. - Various), Res. #2006-209 (Refund for Exempt Property - B. 214, L. 38), Res. #2006-210 - Refunds to WMUA - Various), Res. #2006-211 (Refund to WMUA - B. 300, L. 79), Res. #2006-212 (Raffle License St. Gabriel's Church (Off-premise 50/50) and Res. #2005-213 (Raffle License St. Gabriel's Church (Off-premise Merchandise)).

RESOLUTION # 2006-207

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Swim Umbrellas & Pavilion

RESOLUTION # 2006-208

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$23,372.20 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$23,372.20 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
06-24	122/2	Lillian Y. Zhang	\$ 560.64
2 Orchard Parkway		11 Walnut Street	
		Livingston, NJ 07039	

06-25	143.09/16	Berkshire Investment, V, LLC	312.17
619 Vale Drive		c/o Scott Borsack	
		13 Berkshire Drive	
		West Windsor, NJ 08550	
06-28	173/7 C0222	Berkshire Investment, V, LLC	1,038.51
222 Franklin Place		c/o Scott Borsack	
		13 Berkshire Drive	
		West Windsor, NJ 08550	
06-30	180/31	Lillian Y. Zhang	1,212.63
42 Nikki Court		11 Walnut Street	
		Livingston, NJ 07039	
06-34	258/9	Berkshire Investment, V, LLC	377.57
7 Ottawa Rd. North		c/o Scott Borsack	
		13 Berkshire Drive	
		West Windsor, NJ 08550	
06-35	268/49.02	American Tax Funding, LLC	142.37
26 Bartram Road		Harris Nesbitt Corp as SP	
		P.O. Box 862658	
		Orlando, FL 32886-2658	
06-38	299/76	Chun T. Li	318.18
22 Gary Drive		9 Maljim Court	
		Wayne, NJ 07470	
06-40	305/93	NASDOM, Inc.	271.46
212 Tracy Drive		1527 E. 35 Street	
		Brooklyn, NY 11234	
06-41	307/26	Lillian Y. Zhang	1,059.47
6 Oxford Court		11 Walnut Street	
		Livingston, NJ 07039	
06-43	412.04/12	Lillian Y. Zhang	1,147.02
40 Kingfisher Court		11 Walnut Street	
		Livingston, NJ 07039	
05-33	150/1	Berkshire Investment, I, LLC	1,054.63
457 Route 79		c/o Scott Borsack	
		13 Berkshire Drive	
		West Windsor, NJ 08550	

05-16 173/7 C0386 Fidelity Tax Corp. 15,877.55
386 Hampton Place P.O. Box 5707
Fort Lauderdale, FL 33310

TOTAL: \$23,372.20

RESOLUTION # 2006-209

WHEREAS, a payment for the 2006 first quarter taxes plus interest charges have been paid by the assessed owner, American Sons of Norway-Bensen, in the amount of \$2,096.82 for Block 214 Lot 38, located on 80 Boundary Road, based upon the preliminary bill, and,

WHEREAS, the above-mentioned property is now tax exempt for the year 2006,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the amount of \$2,096.82 to American Sons of Norway-Bensen.

RESOLUTION # 2006-210

WHEREAS, tax sale certificates sold at the 2006 Tax Lien Sale included delinquent sewer charges in the amount of \$7,573.54 as per Schedule "A",

WHEREAS, the above-mentioned tax sale certificates were bought by a third party,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$7,573.54 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNERS</u>	<u>AMOUNT</u>	<u>CERT.#</u>
116	31	Massing, John & Elizabeth	\$ 210.18	06-20
119.01	12	Kim, Chang B. & Sun Nam	173.22	06-21
120	20	Sakowski, Michael & Kara	330.72	06-22
120.02	30	Mikrut-Billig, Vitoria	175.67	06-23
122	2	Folgore, Melissa	248.64	06-24
143.09	16	Mlot, Richard C. & Donna	170.17	06-25
171	36.02	Saxon, Meredith D.	129.46	06-26
173	7 C0036	Felicia, Alicia G.	288.89	06-27

173	7	C0222	Camacho, Helaine	486.77	06-28
176	7	C0947	Mahnken, Michael	334.21	06-29
180	31		Dynov, Yakov	559.44	06-30
184	126		Mangano, Joe & Gwen	584.49	06-31
243	15		Kyriakides, Themis	508.66	06-32
255	21		Etkin, Jill	140.03	06-33
258	9		Ferrantino, Charles	230.95	06-34
268	49.02		Amin, Shaikh & Mahmuda B.	130.12	06-35
295	13		Cotona, John V.	537.94	06-36
296	1		Kaiser, Robert	457.78	06-37
299	76		Rosenwald, Mark I.	176.18	06-38
300	79		Hale, Mary Lee	533.51	06-39
305	93		Ciofalo, John T.	129.46	06-40
307	26		Rifkin, David	409.28	06-41
332	9		McLeod, Michael & Gail	132.65	06-42
412.04	12		Bolton, Dianna	495.12	06-43

TOTAL: \$7,573.54

RESOLUTION # 2006-211

WHEREAS, current sewer charges in the amount of \$172.41 for Block 300 Lot 79, located at 239 Yellowknife Road, assessed to Mary Lee Hale, have been paid by Elliot Loeb-Keogh Plan, lienholder of the Tax Sale Certificate #06-39 on the above-referenced property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$172.41 be refunded to the Western Monmouth Utilities Authority.

RESOLUTION # 2006-212

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 08-06 (Off Premise 50/50) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on October 9, 2006 from 4 - 6 PM at Bella Vista Country Club, 100 School Road East, Marlboro, N. J. 07746.

RESOLUTION # 2006-213

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 09-06 (Off Premise

Merchandise) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on October 9, 2006 from 4 - 6 PM at Bella Vista Country Club, 100 School Road East, Marlboro, N. J. 07746.

The following Res. #2006-214 (Emergency Temporary Budget) was introduced by reference, offered by Council President Morelli, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-214

EMERGENCY TEMPORARY RESOLUTION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation in anticipation of the adoption of the 2006 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2005 appropriations with the exception of debt service and seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2006 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total; \$16,432,948.40 for the municipal budget and \$904,700.00 for the operations of the swim utility;

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation has been provided for in the CY 2006 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

2006 Temporary Emergency Appropriation

CURRENT FUND - OPERATING
APPROPRIATIONS

Administration (30)	
Salary & Wages	110,000.00
Other Expenses	26,800.00
Office of the Mayor (10)	
Salary & Wages	25,000.00
Other Expenses	2,850.00
Township Council (21)	
Salary & Wages	9,000.00
Other Expenses	4,000.00
Public Information	
Salary & Wages	51,000.00
Other Expenses	19,300.00
Municipal Clerk (20)	
Salary & Wages	86,000.00
Other Expenses	33,850.00
Finance	
Salary & Wages	105,000.00
Other Expenses	15,250.00
Annual Audit	0.00
Central Computer Services	
Salary & Wages	14,250.00
Other Expenses	13,750.00
Tax Collector	
Salary & Wages	105,000.00
Other Expenses	16,500.00
Tax Assessor	
Salary & Wages	85,000.00
Other Expenses	47,500.00

Legal Services	
Salary & Wages	
Other Expenses	250,000.00
Engineering Services	
Salary & Wages	136,250.00
Other Expenses	59,200.00
Economic Development	
Salary & Wages	
Other Expenses	500.00
Community Relations	
Other Expenses	100.00
Inter- Governmental Relations	
Other Expenses	1,500.00
Homeland Security	
Salary & Wages	17,500.00
Other Expenses	26,000.00
Historic Sites Commission	
Other Expenses	2,000.00
Planning Board	
Salary & Wages	51,000.00
Other Expenses	20,500.00
Planning Board Contractual	
Other Expenses	21,750.00
Zoning Board	
Salary & Wages	57,500.00
Other Expenses	13,000.00
Liability Insurance	350,000.00
Workers Comp	300,000.00
Group Insurance	1,100,000.00
Unemployment Insurance	10,000.00
Police	
Salary & Wages	3,500,000.00
Other Expenses	171,000.00

Crime Prevention	
Other Expenses	14,500.00
DARE Program	
Other Expenses	11,500.00
Highway Safety	
Other Expenses	15,000.00
Emergency Management	
Salary & Wages	8,750.00
Other Expenses	10,000.00
Aid to Volunteer Ambulance Companies	
Other Expenses	30,000.00
Uniform Fire Safety Act	
Salary & Wages	61,750.00
Other Expenses	10,475.00
Municipal Prosecutors Office	
Salary & Wages	15,000.00
Streets and Road Maint	
Salary & Wages	700,000.00
Other Expenses	22,400.00
Snow Removal	
Salary & Wages	75,000.00
Other Expenses	200,000.00
Public Works - Other	
Salary & Wages	165,000.00
Other Expenses	30,000.00
Shade Tree Commission	
Salary & Wages	1,000.00
Other Expenses	5,000.00
Solid Waste Collection	
Salary & Wages	12,250.00
Other Expenses	450,000.00

Buildings & Grounds	
Salary & Wages	252,500.00
Other Expenses	70,000.00
Vehicle Maintenance	
Salary & Wages	260,000.00
Other Expenses	57,000.00
Community Services Act	
Other Expenses	116,100.00
Public Health Services - Registrar	
Salary & Wages	3,250.00
Other Expenses	850.00
Drug Abuse Control	
Salary & Wages	
Other Expenses	5,775.00
Environmental Health Services	
Salary & Wages	
Other Expenses	4,000.00
Animal Control Services	
Other Expenses	20,000.00
Recreation	
Salary & Wages	171,500.00
Other Expenses	65,000.00
Teen Program	
Salary & Wages	3,500.00
Other Expenses	5,000.00
Summer Youth Activities	
Salary & Wages	3,500.00
Other Expenses	3,500.00
Park Maintenance	
Salary & Wages	195,000.00
Other Expenses	25,000.00
Municipal Library	
Other Expenses	8,500.00

Little League	
Other Expenses	0.00
Pop Warner	
Other Expenses	0.00
Prior Year Bills	38,500.00
Accumulated Leave Compensation	0.00
Salary and Wage Adjustment	0.00
Postage	
Other Expenses	30,000.00
Electricity	132,000.00
Street Lighting	305,250.00
Telephone	60,000.00
Water	7,800.00
Natural Gas	50,000.00
Sewer	3,500.00
Gasoline	125,000.00
Landfill Disposal Costs	200,000.00
PERS	132,500.00
FICA	500,000.00
Municipal Court	
Salary & Wages	150,000.00
Other Expenses	57,000.00
Public Defender	
Salary & Wages	
Other Expenses	8,250.00
Affordable Housing	
Salary & Wages	4,500.00
Other Expenses	2,350.00

Police Dispatch 911	
Salary & Wages	287,500.00
Other Expenses	105,000.00
LOSAP	
Other Expenses	0.00
PFRS	
Other Expenses	615,000.00
Library County Contract	
Other Expenses	10,000.00
SFSP Fire District Payments	
Other Expenses	7,000.00
Monmouth Drug & Alcohol	
Grant Share	33,095.00
Local Share	8,273.75
StormWater Regulation Grant	
Grant Share	15,464.00
Local Share	3,866.00
Body Armor Grant	6,694.65
NJDOT- Safe Streets to School Grant	40,000.00
Handicapped Recreational Opportunities Grant	4,910.00
Capital Improvement Fund	
Other Expenses	200,000.00
Preliminary Engineering Costs to Municipal Park Imps	165,000.00
Bond Principal	1,696,000.00
Bond Interest	795,680.00
Note Interest	116,500.00
Green Acres Trust - P & I	28,865.00

Capital Lease program	
Principal	450,000.00
Interest	72,000.00

Totals	16,432,948.40
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SWIM UTILITY - OPERATING
APPROPRIATIONS

Salary & Wages	300,000.00
Other Expenses	450,000.00

Capital Outlay	120,000.00
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Payment of Bond Principal	10,000.00
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Payment of Bond Interest	1,700.00
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PERS

FICA	23,000.00
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Totals	904,700.00
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At 10:45PM, Council Vice President Cantor moved that the meeting be adjourned. This was seconded by Council President Morelli, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: June 15, 2006

OFFERED BY: Pernice	AYES: 5
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SECONDED BY: Rosenthal	NAYS: 0
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ALIDA DE GAETA
MUNICIPAL CLERK

PATRICIA MORELLI
COUNCIL PRESIDENT